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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,493	06/24/2003	Jeffrey Robert Perry	50019.222US01/PO5531	3527
23552	7590	08/22/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			KIK, PHALLAKA	
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,493	Applicant(s) PERRY ET AL.	
	Examiner Phallaka Kik	Art Unit 2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action responds to RCE and amendment filed on 8/10/2006. Claims 1-22 are pending, wherein claims 1,11,16,22 have been amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/10/2006 has been entered.

Specification

3. As previously indicated, acknowledgement is made of the substituted specification filed on 10/24/2005, which have been entered.

Drawings

4. As previously indicated, the drawings were received on 10/24/2005. These drawings are approved by the Examiner

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 11-15** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, wherein the claims recite "a modulated data

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signal in a carrier wave representing" (lines 1-2) directs to a form of energy and therefore does not fall into any one of the four statutory classes of invention (i.e., is not a process, machine, manufacture or composition of matter). Applicant may want to replace it with --A computer readable medium comprising-- to place it in the statutory class (i.e., a machine) of invention.

Claim Objections

7. **Claim 1-22** are objected to because of the following informalities:

As per **claim 1**, "may be" (lines 7-8) should be --is-- to clearly identify what is being claimed.

As per **claim 11**, "may be" (line 9) should be --is-- to clearly identify what is being claimed.

As per **claim 16**, "may be" (line 14) should be --is-- to clearly identify what is being claimed.

As per **claim 22**, "may be" (line 8) should be --is-- to clearly identify what is being claimed.

As per **claims 2-10,12-15,17-21**, the claims are objected to for incorporating the above error into the claims by claim dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-7,9-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) in view of **Lin et al.** (U.S. Patent No. 6,980,211)

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

As per **claims 1,16,22, Yen et al.** disclose the establishing connection between the client and the server is part of the Web-based software design tool as further described on page 15, column 2, paragraphs 1-2 (see also Fig. 1); the displaying/choosing/modifying/analyzing of the schematic on the client is described on page 16 and illustrated in Fig.3, which allows the user to select/choose and place the circuit components and their wires (i.e., wiring component) to the desire location on the schematic as well as allowing the user to modify and re-simulate the schematic (i.e.,

analyze the modified schematic); thus making the wire components and the electrical component movable within the schematic as desired by the user/designer. However, **Yen et al.** failed to specifically teach that each endpoint of the wire may be independently moved. **Lin et al.** teach the use of endpoints or start points and their positions for defining interconnects or wirings, connecting the circuit component(s) in the schematic diagram in order to allow the schematic diagram to be edited and properly displayed (see col. 1, lines 32-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to further incorporate the use of endpoints or start points and their positions as taught by **Lin et al.** into the method/system of **Yen et al.** because incorporation would allow the schematic diagram of **Yen et al.** to be properly edited and placed at the desired position.

As per **claim 2**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein **Lin et al.** also allows the endpoints or start points to be moved to the desired location (col. 2, lines 7-12); thereby adapting the keeping track of the endpoints/start points (i.e., the particular endpoint determination for moving and moving that endpoint of the wire component) as part of the modification of the circuit as described on page 16 of **Yen et al.**, to allow the wires to be placed at the desired position/location.

As per **claims 3-5,17-19**, all of the elements of claims 1,16 are discussed in the rejection of claims 1,16, from which the respective claims depend, wherein **Yen et al.** further disclose the palette of choices being provided to the user for choosing, the

particular components being available for selection and modification (i.e., adjustments) are also illustrated in Fig. 3 (see also page 16).

As per **claim 6**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein **Yen et al.** further disclose the scaling of the schematic to provide a different level of detail is also shown in Figs. 4 and 5 as part of the zooming icon (i.e., magnifying icon located on the tool bar of the web-browser).

As per **claim 7**, all of the elements of claim 1 are discussed in the rejection of claim 1, from which the claim depends, wherein **Yen et al.** further disclose the panning and scanning is also part of the graphical user interface (see pages 16-17) which allows for motion sequence windows, editing window and user interactive animated simulation window to be panned and scanned (i.e., observed and analyze).

As per **claims 9-10,20-21**, all of the elements of claim 1,16 are discussed in the rejection of claims 1,16, from which the respective claims depend, wherein **Yen et al.** further disclose the netlist generation and component connectivity list generation are part of the PLC codes being generated as further described on page 17, last section to page 18.

As per **claim 11**, all of the elements of the claims are discussed in the rejection of claims 1,16 and 2 above, wherein since the method/system of **Yen et al.** is a computer-implemented web-based method/system, the modulated data signal embodied in a carrier wave and representing computer executable instructions are included as part of the computer web-based method/system being necessary to carry out the computer-implemented web-based method/system.

As per **claims 12-14**, all of the elements of the claim 11 are discussed in the rejection of claim 11 above, wherein the further limitations of the claims are discussed in the rejections of claims 3-5 above.

As per **claim 15**, all of the elements of the claim 11 are discussed in the rejection of claim 11 above, wherein the further limitation of the claim are discussed in the rejection of claims 9-10 above.

10. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) in view of **Lin et al.** (U.S. Patent No. 6,980,211) and **Schmidt et al.** (US Patent No. 6,904,571).

As per **claim 8**, **Yen et al.** in view of **Lin et al.** disclose all of the elements of claim 4, from which the claim depends, as discussed in the rejection of claim 4 above, including the means for keeping track of the location of the circuit components (see Fig. 2-3, with the row and col. numbers associated with the insertion of the circuit components). However, **Yen et al.** in view of **Lin et al.** failed to specifically teach providing the grid to aid placement of the component within the schematic. **Schmidt et al.** teach the providing the grid to help user (i.e., engineer) interactive placement of the circuit as part of the schematic editor being implemented in the networking environment (i.e., the internet) (col. 4, line 61 to col. 5, line 3; col. 12, lines 46-65). It would have been obvious to one of ordinary skilled in the art at the time of the invention to further incorporate providing the grid as taught by **Schmidt et al.** into the system/method of **Yen et al.** in view of **Lin et al.** because such incorporation would make it easier for the

user to place the desired circuit at the desired location as taught by **Schmidt et al.** for which the system/method of **Yen et al.** in view of **Lin et al.** have the means to support.

Remarks

11. The objections of **claims 11-15** due to the noted informalities are withdrawn in light of Applicant's amendment filed on 8/10/2006, which corrected the informalities. However, **claims 1-22** are newly objected due to the noted informalities as being necessitated by Applicant's amendment filed on 8/10/2006 which newly introduced the error into the claims. In addition, claims 11-15 are also newly rejected as being non-statutory under 35 U.S.C 101 for the reasons indicated.

12. The rejections of **claims 1-7,9-22** are rejected under 35 U.S.C. 102(a) as being anticipated by **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) are withdrawn in light of Applicant's amendment filed on 8/10/2006, wherein as pointed out by Applicant, **Yen et al.** failed to particular teach each endpoint of the wire being independently moved within the schematic as part of the method for modifying the schematic over the internet as claimed. However, as given in the rejection above, **Lin et al.** provide for this teaching, wherein It would have been obvious to one of ordinary skilled in the art at the time of the invention to further incorporate the use of endpoints or start points and their positions as taught by **Lin et al.** into the method/system of **Yen et al.** because incorporation would allow the schematic diagram of **Yen et al.** to be properly edited and placed at the desired position, as indicated above.

13. The rejection of **claim 8** under 35 U.S.C. 103(a) as being unpatentable over **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) in view of **Schmidt et al.** (US Patent No. 6,904,571) is withdrawn in light of Applicant's amendment and arguments filed on 8/10/2006, wherein as pointed out by Applicant, **Yen et al.** failed to particular teach each endpoint of the wire being independently moved within the schematic as part of the method for modifying the schematic over the internet as claimed. However, as given in the new rejection above, as being unpatentable over **Yen et al.** ("A Web-Based, Collaborative, Computer-Aided Sequential Control Design Tool", IEEE Control Systems Magazine, Vol. 23, No. 2, April 2003, pp. 14-19) in view of **Lin et al.** (U.S. Patent No. 6,980,211) and **Schmidt et al.** (US Patent No. 6,904,571), **Lin et al.** provide for this missing element as given above, wherein such incorporation of the teachings of **Schmidt et al.** would further make it easier for the user to place the desired circuit at the desired location as taught by **Schmidt et al.** for which the system/method of **Yen et al.** in view of **Lin et al.** have the means to support.

14. As per **claims 6-7**, in response to Applicant's request for the limitations of the claims, these limitations of the claims are discussed in the rejection of claims 6-7 above which incorporated from the previous Office Action, wherein Figs. 4 and 5 of **Yen et al.** show the zooming icon as part of the browser (i.e., magnifying icon located on the tool bar of the web-browser) and wherein **Yen et al.** further disclose the panning and scanning is also part of the graphical user interface (see pages 16-17) which allows for

motion sequence windows, editing window and user interactive animated simulation window to be panned and scanned (i.e., that is, panned and scanned is herein interpreted as observed and analyze).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Therefore, Applicant is requested herein to consider them carefully in response to this Office Action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on Monday-Thursday, 8:30AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents

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P. O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

571-273-8300

A handwritten signature in black ink, appearing to read "Phallaka Kik", written in a cursive style.

Phallaka Kik

Primary Examiner

August 17, 2006